

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WENGLER SENSORS, LTD.,

Plaintiff,

-v-

DIETER BAUER, et al.,

Defendants.

Case No. 3:11-CV-159

Judge Thomas M. Rose

**ENTRY AND ORDER FINDING DEFENDANTS' MOTION TO DISMISS
THE ORIGINAL COMPLAINT (Doc. #7) MOOT**

This matter is before the Court on a Motion To Dismiss the original Complaint. This Motion To Dismiss was filed by the Defendants Dieter Baur and Barbara Baur on December 9, 2011. (Doc. #7.) Therein the Defendants argue that this matter should be dismissed pursuant to Fed. Rule Civ. P. 12(b)(1) and 12(b)(2) for lack of subject-matter and personal jurisdiction.

The original Complaint asserted subject-matter jurisdiction based upon diversity of citizenship. Wengler responded to Defendants' Motion To Dismiss its original Complaint by filing its Amended Complaint that adds a federal claim and asserts subject-matter jurisdiction pursuant to 28 U.S.C. § 1331, the federal question jurisdictional statute. Wengler also filed a Response to the Motion To Dismiss the original Complaint (doc. #9) that argues that this Motion is moot because Defendants' arguments regarding subject-matter jurisdiction are now inapplicable and because it has filed an Amended Complaint (doc. #8).

In response, the Defendants have now filed a Motion To Dismiss the Amended Complaint. Thus, Defendants' Motion To Dismiss the original Complaint is now moot, and their Motion To Dismiss the Amended Complaint will be briefed in accordance with the applicable

standards.

DONE and **ORDERED** in Dayton, Ohio this Eighteenth day of January, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record